

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3727 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

BIPIN HARISHCHANDRA PANDIT

Versus

N R DAVE

Appearance:

MR JV DESAI	for Petitioner
MR RJ OZA	for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/02/96

ORAL JUDGEMENT

Heard the learned counsel for the parties. The petitioner has filed this petition in which he has prayed for issuance of a writ of mandamus or a writ, order or direction in the nature of mandamus to Respondents nos. 1 to 3

directing them to fill up the posts of Professors of Civil Engineering at Government Colleges created after 31.12.1986 by inviting applications through advertisement and after following proper procedure for selection.

The petitioner is holding the post of Assistant Professor at Government Engineering College, Modasa, district Sabarkantha. It is not in dispute that the petitioner was not eligible for the appointment to the post of Professor in the year 1986 when the recruitment was made for the post of Professor in response to the advertisement issued by respondent no. 3 in "Gujarat Samachar" dated 17.6.1986. It is not in dispute between the parties that as per the service Rules for regular recruitment to the post of Professor in the Engineering Colleges, the mode of recruitment is by the promotion, and by direct recruitment in the ratio of 1:1.

Learned counsel for the respondents, on instruction from his client made a statement in the court that all the posts of professors which have been created after 31.12.1986 shall be filled in directly in accordance with the Recruitment Rules. He further states that in fact, 5 posts of the professor are lying vacant, out of which, 3 posts have to be filled in by recruitment and 2 posts by promotion. He further states that only 4 posts have been created after 31.12.1986 and one post of professor was created prior to the aforesaid date which remained unfilled. In view of this statement, the prayer made in this petition no more survives. All these posts which have been created after 31.12.1986 will be filled in in accordance with Recruitment Rules. The grievance of the petitioner is only confined to the posts which have been created after 31.12.1986. Learned counsel for the respondent has further stated that the posts created after 31.12.1986 shall not be filled in from any waiting list prepared after the interview held on 31.12.1986. In view of this statement, nothing remains to be decided in the writ petition. The grievance made by the petitioner is no more survives and as such the writ petition dismissed. Rule is discharged. No order as to costs.
